

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

-against-

ALVIN EUSEBIO,
a/k/a "Goo,"

Defendant.

----- X
GREGORY H. WOODS, United States District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/29/24

1:22-cr-522-GHW


ORDER

On October 28, 2024, the Government submitted a proposed order regarding procedures for defense counsel queries relating to undercover officers. Dkt. No. 564. The Court understands that while Mr. Eusebio preserves his objection to the process, neither he nor any other Defendant provided comments regarding the Government's proposed procedures prior to the October 28, 2024 submission. Nonetheless, the Court has drafted revisions designed to safeguard the information that defense counsel may provide to the investigator responsible for compliance with the order.

To the extent that any party has objections to the proposed order, counsel may provide comments no later than October 30, 2024 at 5:00 p.m. If the Court does not receive objections by that time, the Court will understand that there are none.

SO ORDERED.

Dated: October 29, 2024
New York, New York



GREGORY H. WOODS
United States District Judge

DRAFT—October 29, 2024

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1:22-cr-522-GHW-5

ORDER

GREGORY H. WOODS, United States District Judge:

Upon the application of the United States of America, the Court hereby finds and orders as follows:

WHEREAS the Government has submitted a motion requesting, among other things, that the Court enter an order allowing two active undercover officers (the “Undercover Officers”) to testify at trial without the Government disclosing their true names to the defense in advance of trial;

WHEREAS the Government’s interests in maintaining the continued effectiveness and safety of undercover officers, including the Undercover Officers, is an extremely substantial interest, which would be seriously prejudiced by requiring disclosure of the Undercover Officers’ true names;

WHEREAS the Government has demonstrated that the safety of the Undercover Officers and the integrity of their work would be jeopardized if their true identities were disclosed in advance their trial testimony;

WHEREAS the information pertaining to the Undercover Officers are records or information compiled for law enforcement purposes;

WHEREAS there exist alternative means of adequately ensuring the defendant’s right to cross-examine the Undercover Officers through, among other things, impeachment material, while

balancing that right against the Government's extremely substantial interests set forth above;

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

~~4.~~ 1. The New York City Police Department ("NYPD") shall disclose the true names of the Undercover Officers to the Special Agent in Charge (the "SAC") of the United States Attorney's Office, Southern District of New York ("SDNY"). After having received the true names of the Undercover Officers, the SAC shall disclose the names to an SDNY investigator (the "Investigator") assigned to the USAO who will be responsible for conducting queries on behalf of the defense. The SAC shall not disclose the name of the Investigator to the prosecution team.

2. Defense counsel ~~shall~~may communicate directly with the Investigator to request that a particular query be conducted by the Investigator, including that query's scope and other such details of its execution. The Investigator shall conduct any such query promptly. The Investigator shall not communicate with any person other than the ~~prosecution team~~requesting defendant's counsel regarding ~~any topic related to the above-captioned matter, to include by informing the prosecution team of the~~ the nature or results of the queries ~~requested by the defense, including, without limitation, any other employee or representative of the U.S. Department of Justice.~~

3. If requested by defense counsel, the Investigator shall be required to receive and respond to all queries only in paper form or orally. The Investigator shall not save any information related to the queries—including but not limited to the queries themselves, related notes, or their results (collectively, the "Request Documentation")—on the government's electronic systems. The Investigator shall return the Request Documentation to the requesting defense counsel within two business days after the earlier of (1) the completion of his or her response to any query or (2) a request by defense counsel.

____ SO ORDERED:_____

Dated:

New York, New York

GREGORY H. WOODS
United States District Judge